

App. No. 10/804,809  
Office Action Dated November 4, 2005

### REMARKS

Favorable reconsideration of this application is requested in view of the above amendments and the following remarks. Claims 1-3 were previously canceled without prejudice or disclaimer. Claims 7 and 9-11 are amended. New claims 12 and 13 are added. Claims 4-13 are pending.

#### I. Amendments

The amendments to claims 7 and 9-11 are supported by the original disclosure, for example page 7, lines 27-29; page 15, lines 19-23; and Figures 9A-D.

New claims 12 and 13 are a combination of prior claims 7, 9 and 10, and claims 7, 9 and 11, respectively. Applicants note that in claim 13, the language "the working fluid ports" appearing in claim 11 has been changed to "a working fluid port" so as to be similar to the language used in claim 10 (new claim 12).

No new matter has been added.

#### II. Claim rejections

Claims 7-9 are rejected under 35 USC 103(a) as being unpatentable over Miyamoto et al. (US 5,425,335) in view of Konno (US 4,848,284). Applicants respectfully traverse.

Miyamoto and Konno do not teach or suggest a multi-cylinder engine as claimed including at least one combustion chamber that can be completely shut off by placing the intake valves and exhaust valves thereof into a cut-off state and one combustion chamber that can be partially shut off by placing at least one intake valve and at least one exhaust valve thereof into a cut-off state.

Miyamoto is characterized as disclosing a multi-cylinder engine with a plurality of combustion chambers (#1-4) where one chamber can be completely shut off and one chamber can be active. As recognized, Miyamoto does not teach partial shut off of a chamber. However, Konno is characterized as disclosing partial shut off of cylinders C2, C3.

Konno does not teach partial shut off by placing at least one intake valve and at least one exhaust valve thereof into a cut-off state. In Konno, partial cut off is achieved

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by disabling certain intakes valves or exhaust valves (see, e.g., column 1, lines 35-36; column 13, lines 18-26). Konno does not disclose cutting off an intake valve and an exhaust valve to achieve partial combustion chamber shut off.

Nor does Konno teach how to achieve partial shut off by cutting off an intake valve and an exhaust valve.

For at least these reasons, claim 7 is patentable over Miyamoto and Konno.

Claims 8-9 depend from claim 7 and are patentable along with claim 7 and need not be separately distinguished. Applicants do not concede the propriety of the rejections to claims 8-9.

### III. Allowable subject matter

Applicants gratefully note that claims 4-6 are allowed, and that claims 10 and 11 are considered to recite allowable subject matter. New claims 12 and 13 comprise prior claims 10 and 11 rewritten into independent form. Claims 12 and 13 should be allowable as well.

### IV. Conclusion

In view of the above, early issuance of a notice of allowance is solicited. Any questions regarding this communication can be directed to the undersigned attorney, Curtis B. Hamre, Reg. No. 29,165 at (612) 455-3802.

Respectfully submitted,



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